

the attached committee amendment and be printed in the Journal.

WIRTZ, Chairman.

Committee Amendment.

Amend S. B. No. 81 by adding a new section after Section 1 to be known as Section 1a, and to read as follows:

"Section 1a. Nothing herein shall in anyway repeal, affect or limit any of the statutes of limitation now in force in the State of Texas."

By Hornsby, Hyer. S. B. No. 81.
Patton, Woodward.

A BILL

To Be Entitled

An Act to provide a period of time when continuity of failure to render land for taxes or otherwise exercise dominion over it shall prima facie prove title in persons paying taxes or exercising dominion over such land and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In all suits involving the title to land, if it be not shown that those holding the apparent record title thereto have rendered such land for taxes or otherwise exercised dominion over it for a period of fifty years or more and during such period other persons are shown to have openly asserted claim or exercised dominion over same or have paid taxes thereon, such facts shall constitute prima facie proof that the title thereto had passed to such persons.

Sec. 2. The fact that there is now no law prescribing a period of time when failure to exercise dominion over land will create prima facie proof that the title thereto had passed to those thereafter exercising dominion over the same and in many cases deeds have been lost and no proof can be made of the manner by which such title passed, because of the long lapse of time, creates an emergency and an imperative public necessity that the constitutional rule which requires that bills shall be read on three several days be suspended and the same is hereby suspended, and that this law take effect and be in force from and after its passage and it is so enacted.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, Feb. 13, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Martin.	Small.
Parr.	Wirtz.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See appendix)

Committee Reports.

(See appendix)

Bills and Resolutions.

By Senator Holbrook:

S. B. No. 87, A bill to be entitled "An Act providing that it shall be lawful to use shrimp traws of certain specified size for the purpose of taking shrimp of any size for bait in any of the tidal waters of this State; providing that shrimp of any size may be taken with a minnow seine of not more than 20 feet in length or with a cast net; providing that no shrimp taken for bait may be sold for bait unless the person taking them has a fisherman's license."

Read first time and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 88, A bill to be entitled "An Act providing a daily bag limit and a possession limit on wild ducks

and wild geese that are killed, taken or possessed during the open season and repealing any provision of the law in conflict with this Act; making it unlawful to take or kill or have in possession wild ducks or wild geese in excess of such limit; providing a penalty and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 89, A bill to be entitled "An Act to create Brazoria County Drainage District Number Eight (8) in Brazoria County, Texas; etc., and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Holbrook:

S. B. No. 90, A bill to be entitled "An Act to create Brazoria County Drainage District Number (6) in Brazoria County, Texas, etc., and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Holbrook:

S. B. No. 91, A bill to be entitled "An Act to create Velasco Drainage District of Brazoria County, Texas; etc., and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Holbrook:

S. B. No. 92, A bill to be entitled "An Act to create the Angleton Drainage District of Brazoria County, Texas; etc., and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Holbrook:

S. B. No. 93, A bill to be entitled "An Act to create San Bernard Drainage District No. 10 of Brazoria County, Texas; etc., and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator McFarlane:

S. B. No. 94, A bill to be entitled "An Act providing for the disposition of oil and gas in lands belonging to the State Eleemosynary institutions and State parks, and also providing for the sale of timber and

the leasing of any such lands; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Miller:

S. B. No. 95, A bill to be entitled "An Act providing for the temporary registration or visiting privileges in this State of vehicles owned by citizens of another state or country and duly registered under the laws of said state or county for the current year; prescribing restrictions under which vehicles may be operated; prescribing penalties for any violations hereof; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Cunningham:

S. B. No. 96, A bill to be entitled "An Act authorizing the Commissioners' Court of Haskell County, Texas to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; providing limitations upon the issuance of warrants for road and bridge purposes and exceptions therefrom; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Cunningham:

S. B. No. 97, A bill to be entitled "An Act to authorize commissioners' courts to refund to tax payers of any road district the taxes paid on property situated in said road district for the purpose of paying bonds and interest thereon, or any part thereof, issued by said road district for the construction, maintenance and operation of macadamized, gravelled, or paved roads and turnpikes, or in aid thereof, where before the issuance or sale of said bonds, or any part of said bonds, the county in which said road district is situated shall vote county bonds in the manner provided and for the purposes provided by Paragraph 3, Section 25, Chapter 16, General Laws, First Called Session of the Thirty-ninth Legislature, and said road bonds shall have been approved and issued by such county, and further providing that if said taxes have not been paid, the same shall not be collected; and further providing that commissioners' courts may on their

own motion enter their order for the cancellation of such district bonds, if issued; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Cunningham:

S. B. No. 98, A bill to be entitled "An Act to levy and collect annually a three (\$3.00) dollar tax against all able bodied male citizens of Haskell County who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax; providing a penalty for not paying said tax, and repealing all laws in conflict therewith; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Woodul:

S. B. No. 99, A bill to be entitled "An Act granting to commissioners' court of Harris County, Texas, the authority to fix salary paid to chief probation officer of Harris County, Texas, etc.,"

Read first time and referred to Committee on State Affairs.

By Senator Cousins:

S. B. No. 100, A bill to be entitled "An Act amending Section (a) of Article 5742, Chapter 8, Title 93, of the Revised Civil Statutes of the State of Texas adopted at the Regular Session of the Thirty-ninth Legislature; giving to marketing associations the power to receive from and handle for non-members any agricultural product not in excess of fifty per cent of the same product it receives from and handles for its members; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator McFarlane:

S. B. No. 101, A bill to be entitled "An Act creating a board for the leasing of State Parks for oil and/or gas; granting authority for said board to make concession contracts for any causeway, beach drive, or other improvements in connection with State Park sites, providing that the revenues received therefor will be placed in the special fund of the State Treasury; granting authority to said board to make such rules and regulations for carrying out the provisions of this Act as may be necessary; repealing all laws in conflict, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 102, A bill to be entitled "An Act to prohibit the shipment into Texas of any citrus nursery stock grown in the State of Florida, and declaring an emergency."

Read first time and referred to Committee on Agriculture.

By Senator Woodward:

S. B. No. 103, A bill to be entitled "An Act amending Section 1 of Chapter 27, Acts of the Forty-first Legislature, Second Called Session, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Moore:

S. B. No. 104, A bill to be entitled "An Act to amend the Special Road Law for Rockwall County, Texas, enacted by the Regular Session of the Thirty-sixth Legislature, 1919, the same being an act providing for the payment of the commissioners of Rockwall County, Texas, while acting as ex-officio road superintendents in their various precincts and providing from what fund of said Rockwall County the payments thereof shall be made, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

S. B. No. 53. S. B. No. 16.
H. C. R. No. 17. S. B. No. 17.

House Bill No. 7.

The Chair laid before the Senate on second reading the following bill:

H. B. No. 7, A bill to be entitled "An Act to repeal Chapter 95, Acts of the First Called Session of the Forty-first Legislature, 1929, and declaring an emergency."

Read second time.

Senator DeBerry moved to make the bill special order at 2 o'clock today. The motion prevailed.

Senate Bill No. 74.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Hornsby:

S. B. No. 74, A bill to be entitled "An Act cancelling and annulling the lease which Travis County holds against the courthouse and jail property owned by the State of Texas, the same being the North half of Block No. (123) one hundred and twenty-three, in the City of Austin, Travis County, Texas; fixing and declaring the value of all improvements on said lot and providing for payment to Travis County for said improvements; fixing the time within which Travis County must vacate said property; making the necessary appropriation out of the State Treasury; and declaring an emergency."

Read second time.

Senator Hornsby sent up the following amendment:

Amend S. B. No. 74 by adding the following at the end of Section 2: "Except the jail equipment."

HORNSBY.

Read and adopted.

Senator Moore sent up the following amendment:

Amend S. B. No. 74, page 144 of Senate Journal, by striking out the words and figures fifty thousand (\$50,000.00) wherever they appear and substitute in lieu thereof the words and figures forty thousand (\$40,000.00).

MOORE.

Read and, on motion of Senator Hornsby, tabled by the following vote:

Yeas—11.

Beck.	Patton.
Berkeley.	Pollard.
Cousins.	Thomason.
Cunningham.	Williamson.
Hornsby.	Woodward.
Love.	

Nays—8.

DeBerry.	Miller.
Greer.	Moore.
Hardin.	Neal.
McFarlane.	Woodul.

Present—Not Voting.

Gainer.	Stevenson.
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Absent.

Holbrook.	Russek.
Hyer.	

Absent—Excused.

Martin.	Parr.
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Small.

Witt.

Westbrook.

(Pair Recorded.)

Senator Wirtz (present) who would vote yea, with Senator Parrish (absent) who would vote nay.

The bill as amended passed to engrossment by the following vote:

Yeas—14.

Beck.	Love.
Berkeley.	Neal.
Cousins.	Patton.
Gainer.	Pollard.
Holbrook.	Stevenson.
Hornsby.	Witt.
Hyer.	Woodul.

Nays—6.

DeBerry.	Miller.
Greer.	Moore.
McFarlane.	Woodward.

Present—Not Voting.

Cunningham.

Absent.

Hardin.	Westbrook.
Russek.	Williamson.
Thomason.	

Absent—Excused.

Martin.	Small.
Parr.	

(Pair Recorded.)

Senator Parrish (present) who would vote nay, with Senator Wirtz (absent) who would vote yea.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 74 was put on its third reading and final passage, by the following vote:

Yeas—19.

Beck.	Miller.
Berkeley.	Neal.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Stevenson.
Greer.	Williamson.
Holbrook.	Witt.
Hornsby.	Woodul.
Hyer.	Woodward.
Love.	

Nays—3.

McFarlane.	Parrish.
Moore.	

Absent.

Cousins.	Thomason.
Martin.	Westbrook.
Russek.	Wirtz.

Absent—Excused.

Hardin.	Small.
Parr.	

Read third time and finally passed
by the following vote:

Yeas—14.

Beck.	Neal.
Berkeley.	Patton.
Gainer.	Pollard.
Holbrook.	Stevenson.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.

Nays—8.

Cunningham.	Miller.
DeBerry.	Moore.
Greer.	Parrish.
McFarlane.	Woodward.

Absent.

Cousins.	Westbrook.
Hardin.	Wirtz.
Thomason.	

Absent—Excused.

Martin.	Russek.
Parr.	Small.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. C. R. No. 17 by a vote of 101 yeas and 0 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has passed the following resolutions:

H. C. R. No. 21, Requesting Congress in the interest of the cotton grower, to enact a measure placing a high tariff on jute which is used for cotton bagging.

H. C. R. No. 20, Expressing gratitude for the excellent services rendered by Brevet Major General Will E. Jackson.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 14, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land located in Montgomery County, Texas, forfeited and reappraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptances and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon."

S. B. No. 16, A bill to be entitled "An Act providing that the Supreme Court and Courts of Civil Appeals of this State shall have original jurisdiction in the matter of issuing the writ of mandamus, or any other mandatory or compulsory writ or process to compel the performance by any chairman or member of any executive committee, or primary committee, or primary election officer of any party, of any duty imposed upon them, respectively, by the laws of this State, and making this Act cumulative of all other laws affecting its subject matter, and declaring an emergency."

With amendments.

S. B. No. 17, A bill to be entitled "An Act to amend Chapter 83, Senate Bill No. 179, of the General Laws passed by the Forty-first Legislature at its Second Called Session, by add-

ing at the end of Section 5, of said bill, the following: 'Provided, however, that the terms of this bill shall not be applied to, or affect, any student who commenced his studies leading to a degree, in any of the State institutions with the required credits prior to the time this bill was enacted into a law, or to any student, who on or before September 1, 1929, had credits for at least half the work required for a bachelor's degree; and declaring an emergency.'

With amendments.

S. B. No. 8, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than 7,395, and not more than 7,410, according to the 1920 United States census, and having taxable values as shown by the approved 1929 tax roll amounting to as much as \$8,145,000.00, and not more than \$8,150,000.00; prescribing how such compensation shall be paid; and providing that the Act shall apply only to counties expending funds derived from the sale of bonds issued for the purpose of building hard surfaced roads, or in aid thereof; and that such salary shall only apply so long as such roads are in construction, and so long as such bond fund is being expended, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 32, A bill to be entitled "An Act amending Subdivision 1, Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, which subdivision relates to the district court of the First Judicial District of Texas, and to fix the number of terms and the places and time for holding said court, and to conform all writs and process from such court to such changes, and to make all writs and process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of said court as herein fixed, and to validate the

drawing and the selecting and the summoning of all grand and petit jurors for said court."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill Referred.

H. B. No. 32 referred to Committee on Judicial Districts.

Senate Bill No. 31.

The Chair laid before the Senate on its third reading the following bill:

By Senator Pollard:

S. B. No. 31, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them, etc., and declaring an emergency."

Read third time.

Senator Witt sent up the following amendment:

Amend S. B. No. 31 on page 2 by adding to the appropriation for the Agricultural and Mechanical College of Texas the following, and amend the caption to conform:

For the establishment of Substation No.—Thirteenth Senatorial District.

For the year ending
August 31, 1930.

Buildings:

Superintendent's residence	\$ 3,500.00
Assistant's cottage	2,500.00
Two laborers' cottages ..	3,000.00
Calf barn	600.00
Bull barn and pens	400.00
Barn for work stock	1,500.00

Equipment:

Power and light installation	1,000.00
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Total\$12,500.00

(Note: The items requested above are items vetoed by the Governor from the appropriation bill passed last session of the Legislature and are necessary for the establishment and efficient operation of Substation No. —.)

WITT.

The amendment was read and adopted by the following vote:

Yeas—18.

Beck.	Moore.
Berkeley.	Parrish.
Cousins.	Patton.
Gainer.	Pollard.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.

Nays—6.

Cunningham.	McFarlane.
DeBerry.	Miller.
Greer.	Neal.

Absent.

Thomason.	Wirtz.
Westbrook.	

Absent—Excused.

Martin.	Russek.
Parr.	Small.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 31 by adding to the appropriation for A. and M. College the following:

"There is appropriated for the year ending August 31, 1930, the sum of \$6,000 to be used by the substation at Angelton, Texas, for the purpose of destroying plant lice and a like amount for the year ending August 31, 1931."

HOLBROOK.

Read and adopted by the following vote:

Yeas—18.

Beck.	Parrish.
Berkeley.	Patton.
Gainer.	Pollard.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
Moore.	

Nays 5.

Cunningham.	Miller.
DeBerry.	Neal.
Greer.	

Absent—Excused.

Cousins.	Small.
Martin.	Stevenson.
McFarlane.	Westbrook.
Parr.	Wirtz.
Russek.	

The bill as amended finally passed by the following vote:

Yeas—16.

Berkeley.	Moore.
Hardin.	Neal.
Holbrook.	Parrish.
Hornsby.	Patton.
Hyer.	Pollard.
Love.	Williamson.
McFarlane.	Witt.
Miller.	Woodward.

Nays—6.

Beck.	Greer.
DeBerry.	Thomason.
Gainer.	Woodul.

Absent—Excused.

Cousins.	Stevenson.
Parr.	Westbrook.
Russek.	Wirtz.
Small.	

(Pair Recorded.)

Senator Cunningham (present) who would vote nay, with Senator Martin (absent) who would vote yea.

Senate Bill No. 73.

The Chair laid before the Senate the following bill:

By Senator Neal:

S. B. No. 73, A bill to be entitled "An Act to provide for the maintenance of county administration of the public free schools to be prorated to all of the schools of the county nad declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 73 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	McFarlane.
Greer.	Miller.

Moore.	Westbrook.
Neal.	Williamson.
Parrish.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.
Stevenson.	Woodward.
Thomason.	

Absent—Excused.

Martin.	Russek.
Parr.	Small.

Read third time and finally passed.

Recess.

On motion of Senator Hyer, the Senate, at 12:11 o'clock, recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock, pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Point of No Quorum.

Senator Holbrook raised the point of order that a quorum was lacking. The roll call showed 11 present.

On motion of Senator Holbrook, a call of the Senate was ordered.

House Bill No. 7.

The Chair laid before the Senate as special order the following bill:

H. B. No. 7, A bill to be entitled "An Act to repeal Chapter 95, Acts of the First Called Session of the Forty-first Legislature, 1929, and declaring an emergency."

Senator Moore sent up the following amendment:

Amend H. B. No. 7 by striking out the period at the end of Section 1, substituting in lieu thereof a semicolon and adding thereto the following: "Provided that this Act shall not affect any suit or suits filed prior to February 1, 1930."

MOORE,
HORNSBY.

The amendment was read and lost by the following vote:

Yeas—5.

Beck.	Miller.
Gainer.	Small.
Hornsby.	

Nays—13.

Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Thomason.
Greer.	Witt.
Holbrook.	Woodul.
Love.	Woodward.
McFarlane.	

Present—Not Voting.

Russek.

Absent.

Cousins.	Westbrook.
Patton.	Williamson.
Stevenson.	

Absent—Excused.

Hardin.	Pollard.
Parr.	

(Pairs Recorded.)

Senator Hyer (present, who would vote yea, with Senator Martin (absent) who would vote nay.

Senator Moore (present) who would vote yea, with Senator Wirtz (absent) who would vote nay.

The bill passed to engrossment.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 7 was put on its third reading and final passage by the following vote:

Yeas—20.

Beck.	McFarlane.
Berkeley.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Small.
Holbrook.	Thomason.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.

Present—Not Voting

Russek.

Absent.

Cousins.	Stevenson.
Hardin.	Westbrook.
Patton.	Williamson.
Pollard.	Wirtz.

Absent—Excused.

Martin.	Parr.
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Read third time and finally passed
by the following vote:

Yeas—21.

Berkeley.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Nay—1.

Beck.

Absent.

Patton.	Westbrook.
Pollard.	Williamson.
Stevenson.	

Absent—Excused.

Cousins.	Parr.
Martin.	Wirtz.

Simple Resolution No. 27.

Senator Hornsby sent up the following resolution:

Whereas, Honorable John Davis of Dallas, a former member of the State Senate, is now visiting in his Capital City,

Therefore, Be It Resolved, That he be extended the privileges of the floor and invited to briefly address the Senate.

HORNSBY.

Read and adopted.

The Chair appointed Senators Hornsby, Moore, and Woodward to escort Mr. Davis to the platform.

Former Senator Davis Speaks.

The Chair introduced former Senator Davis who briefly addressed the Senate.

Motion to Concur.

Senator Love moved to concur in the House amendment to S. B. No. 16. The motion prevailed by the following vote:

Yeas—23.

Beck.	OeBerry.
Berkeley.	Gainer.
Cunningham.	Greer.

Hardin.	Neal.
Holbrook.	Parrish.
Hornsby.	Russek.
Hyer.	Thomason.
Love.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Cousins.	Small.
Martin.	Stevenson.
Parr.	Westbrook.
Patton.	Wirtz.
Pollard.	

Senator Holbrook moved to concur in the House amendment to S. B. No. 17. The motion prevailed by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent—Excused.

Martin.	Small.
Parr.	Westbrook.
Pollard.	Wirtz.

Motion to Reconsider.

Senator Williamson spread on the Journal a motion to reconsider the vote by which H. C. R. No. 19 failed to pass yesterday.

H. C. R. No. 21.

The Chair laid before the Senate H. C. R. No. 21, providing for a high tariff on jute.

Senator Love moved to refer the resolution to the Committee on Federal Relations. The motion prevailed.

Call of the Senate.

On motion of Senator Witt, a call of the Senate for the purpose of maintaining a quorum until adjournment was ordered.

H. C. R. No. 20.

The Chair laid before the Senate H. C. R. No. 20, commending the patriotic services of Gen. Will E. Jackson.

Read and adopted.

Simple Resolution No. 28.

Senator Hornsby sent up the following resolution:

Whereas, The University Club has extended an invitation to the members of the Legislature to attend an informal reception and entertainment at the clubhouse, 2304 San Antonio Street, Austin, on Saturday, February 15, at 8 p. m.

Therefore Be It Resolved, That the Senate accept with thanks this kind invitation.

HORNSBY.

Read and adopted.

Senate Bill No. 102.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Parr:

S. B. No. 102, A bill to be entitled "An Act to prohibit the shipment into Texas of any citrus nursery stock grown in the State of Florida, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Witt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 102 was put on its second reading by the following vote:

Yeas—24.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Cousins.	Pollard.
Miller.	

Absent—Excused.

Martin.	Westbrook.
Parr.	Wirtz.

The bill was read second time and passed to engrossment.

On motion of Senator Witt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 102 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
Martin.	Woodward.
McFarlane.	

Absent.

Cousins.

Absent—Excused.

Parr.	Westbrook.
Pollard.	Wirtz.
Stevenson.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Westbrook.	Wirtz.
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Absent—Excused.

Cousins.	Pollard.
Martin.	Stevenson.
Parr.	

Senate Bill No. 63.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Beck:

S. B. No. 63, A bill to be entitled "An Act providing for an open season on squirrels in Marion, Cass and Bowie Counties, Texas, providing penalty, repealing all laws in conflict herewith and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 63 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Westbrook. Wirtz.

Absent—Excused.

Cousins.	Pollard.
Martin.	Stevenson.
Parr.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Cousins.	Wirtz.
Parr.	

Absent—Excused.

Martin.	Stevenson.
Pollard.	Westbrook.

Senate Bill No. 93.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Holbrook:

S. B. No. 93, A bill to be entitled "An Act to create San Bernard Drainage District of Brazoria County, Texas, etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 93 was put on its second reading by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
Martin.	Woodward.
McFarlane.	

Absent—Excused.

Pollard.	Westbrook.
Stevenson.	Wirtz.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 93 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Berkeley.
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Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent.

Miller.

Absent—Excused.

Cousins.	Stevenson.
Parr.	Westbrook.
Pollard.	Wirtz.

Read third time and finally passed
by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Martin.	Westbrook.
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Present—Not Voting.

Cousins.	Stevenson.
Parr.	Wirtz.
Pollard.	

Senate Bill No. 89.

The Chair laid before the Senate
the following bill:

By Senator Holbrook:

S. B. No. 89, A bill to be entitled
"An Act to create Brazoria County
Drainage District No. Eight in Bra-
zoria County; etc., and declaring an
emergency."

The rule requiring committee re-
ports to lie over 24 hours was sus-
pended by unanimous consent.

The committee report was adopted.

On motion of Senator Holbrook
the constitutional rule requiring bills

to be read on three several days was
suspended and S. B. No. 89 was put
on its second reading by the follow-
ing vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Stevenson.	Westbrook.
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Absent—Excused.

Cousins.	Pollard.
Martin.	Wirtz.
Parr.	

The bill was read second time and
passed to engrossment.

On motion of Senator Holbrook
the constitutional rule requiring bills
to be read on three several days was
suspended and S. B. No. 89 was put
on its third reading and final pass-
age by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Stevenson.	Westbrook.
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Absent—Excused.

Cousins.	Pollard.
Martin.	Wirtz.
Parr.	

Read third time and finally passed
by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Stevenson.	Westbrook.
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Absent—Excused.

Cousins.	Pollard.
Martin.	Wirtz.
Parr.	

Senate Bill No. 90.

The Chair laid before the Senate the following bill:

By Senator Holbrook:

S. B. No. 90, A bill to be entitled "An Act to create Brazoria County Drainage District No. 6 in Brazoria County; etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 90 was put on its second reading by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Cousins.	Westbrook.
Stevenson.	

Absent—Excused.

Martin.	Pollard.
Parr.	Wirtz.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 90 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Cousins.	Stevenson.
Martin.	Westbrook.
Parr.	Wirtz.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Cousins.	
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Absent—Excused.

Martin.	Stevenson.
Parr.	Westbrook.
Pollard.	Wirtz.

Senate Bill No. 91.

The Chair laid before the Senate the following bill:

By Senator Holbrook:

S. B. No. 91, A bill to be entitled

"An Act to create Velasco Drainage District of Brazoria County; etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 91 was put on its second reading by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Cousins.	Westbrook.
Stevenson.	

Absent—Excused.

Martin.	Pollard.
Parr.	Wirtz.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 91 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Cousins.	Parr.
Martin.	Pollard.

Stevenson.	Wirtz.
Westbrook.	

Read third time and finally passed by the following vote:

Yeas—24

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Cousins.	Stevenson.
Martin.	Westbrook.
Parr.	Wirtz.
Pollard.	

Senate Bill No. 92.

The Chair laid before the Senate the following bill:

By Senator Holbrook:

S. B. No. 92, A bill to be entitled "An Act to create the Angleton Drainage District of Brazoria County, etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote:

The committee report was adopted.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 92 was put on its second reading by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Cousins.	Parr.
Martin.	Pollard.

Stevenson. Wirtz.
Westbrook.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 92 was put on its third reading and final passage, by the following vote.

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Cousins.	Stevenson.
Martin.	Westbrook.
Parr.	Wirtz.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Cousins.	Stevenson.
Martin.	Westbrook.
Parr.	Wirtz.
Pollard.	

Senate Bill No. 84.

The Chair laid before the Senate the following bill:

By Senators DeBerry, Hornsby, Love and Cunningham:

S. B. No. 84, A bill to be entitled "An Act amending Articles 5738, 5739, 5743, 5746, 5748 and 5763, of

the Revised Civil Statutes of 1925, relating to cooperative marketing associations, said articles being a portion of what is commonly known as the Cooperative Marketing Act of Texas; declaring that if any election, article or provision of said Cooperative Marketing Act or this Act shall be declared to be unconstitutional or invalid for any reason the remainder of the same shall, nevertheless, be in force and effect; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 84 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Cousins.	Stevenson.
Martin.	Westbrook.
Parr.	Wirtz.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Cousins.	Stevenson.
Martin.	Westbrook.
Parr.	Wirtz.
Pollard.	

Senate Bill No. 27.

The Chair laid before the Senate the following bill:

By Senator Small:

S. B. No. 27, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for the purpose of maintaining the public schools and issuing bonds in school districts in all counties which according to the federal census of 1920, have a population of not fewer than 720 and not more than 750; repealing all laws in conflict herewith; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Small the constitutional rule requiring bill to be read on three several days was suspended and S. B. No. 27 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Cousins.	Stevenson.
Martin.	Westbrook.
Parr.	Wirtz.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Holbrook.
Berkeley.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	McFarlane.
Greer.	Miller.
Hardin.	Moore.

Neal.
Parrish.
Patton.
Russek.
Small.

Thomason.
Williamson.
Witt.
Woodul.
Woodward.

Absent.

Pollard.	Westbrook.
Stevenson.	

Absent—Excused.

Cousins.	Parr.
Martin.	Wirtz.

Senate Bill No. 10.

The Chair laid before the Senate the following bill:

By Senators Parrish and Woodul:

S. B. No. 10, A bill to be entitled "An Act to amend Articles 2994, 3883, 3886, 3889, 3891, 3892, 3895, 3897, 3899, 3926, 3934, 7331, 7332 of the Revised Civil Statutes of Texas for 1925, repealing Articles 3887, 3900, 3912, 3932 of the Revised Civil Statutes of Texas for 1925, and all laws in conflict, all of said amended and repealed articles relating to fees and compensation of county officers, providing any unconstitutional parts of this Act shall not affect the remainder, declaring an emergency, and providing said Act shall become effective on January 1, 1931."

The committee substitute was adopted.

The bill was read second time.

Senator Parrish sent up the following amendments:

Amend committee substitute for S. B. No. 10, page 17, line 11, of the printed bill by striking out the sentence beginning on line 11, and inserting in lieu thereof the following:

"The present statute with regard to the amount of ex-officio salary to be allowed any such officers shall remain the same."

PARRISH.

Read and adopted.

Amend the Committee Substitute for S. B. No. 10 by adding a new Section No. 5-A immediately following Section 5, as follows:

Section 5A. Article 3886 of the Revised Civil Statutes of Texas for 1925 is hereby amended so that the same shall hereafter read as follows:

Article 3886. District Attorneys of Large Counties.—In any counties having a population in excess of one

hundred and fifty thousand inhabitants, the district attorney or criminal district attorney thereof shall receive all fees, commissions and perquisites earned by such office; provided that the amount of said salary, fees, commissions and perquisites to be so received and retained by him including the five hundred dollars (\$500.00) provided by the Constitution, shall not exceed the sum allowed under Article 3883. All salaries, fees, commissions and perquisites so earned and received by such office in excess of said amount during each and every fiscal year shall be paid into the county treasury of said county in accordance with the terms and provisions of the Maximum Fee Bill, except as to such portion of such excess as shall be used and expended in the payment of salaries to deputies, stenographers, investigators or other employees, as herein provided. Each such district attorney may appoint nine (9) assistant district attorneys, one of whom shall receive a salary not to exceed Forty-eight Hundred Dollars (\$4,800.00) per annum; two of whom shall receive a salary not to exceed Forty-two Hundred Dollars (\$4,200.00) per annum, each; two of whom shall receive a salary not to exceed Thirty-six Hundred Dollars (\$3,600.00) per annum, each; two of whom shall receive a salary not to exceed Three Thousand Dollars (\$3,000.00) per annum, each; two of whom shall receive a salary not to exceed Twenty-four Hundred Dollars (\$2,400.00) per annum, each. He may employ four stenographers or clerks who shall receive a salary not to exceed Twenty-Four Hundred Dollars (\$2,400.00) per annum, each; one stenographer or clerk who shall receive a salary not to exceed Eighteen Hundred Dollars (\$1,800.00) per annum. He may employ four investigators who shall receive a salary not to exceed \$2,400.00 per annum, each. The salaries of assistants, deputies, stenographers and investigators and other employees above provided for shall be paid monthly by said county, by warrants drawn from the general funds thereof. Should such district attorney be of the opinion that the number of deputies, assistants, stenographers, investigators or other employees above provided for are inadequate

for the proper investigation of crime and the efficient performance of the duties of said office, he may appoint such additional assistants and employees and fix their salaries, provided such salaries shall in no event exceed the maximum provided herein to be paid to such assistants or other employees, but such additional assistants or employees so appointed, before qualifying and entering upon the duties of such office and employment, shall be confirmed by the commissioners' court of the county in which such appointments are made. The salaries for such additional assistants and employees shall be paid monthly out of the excess fees collected by such district attorney and his office which would otherwise go to said county, a detailed sworn itemized statement of which he shall include in his annual report, as provided to be made in the Maximum Fee Bill. In no event shall said county be liable for the salaries of such additional assistants or employees. Any such assistant, deputy, stenographer, investigator or employee, whether regular or additional, shall be subject to removal at will of said district or criminal district attorney.

And amend the caption by adding the following clause after "1925":

"amending Article 3886 of the Revised Civil Statutes of Texas for 1925".

PARRISH.

Read and adopted.

Senator Love sent up the following amendment:

Amend Section 3 of the C. S. S. B. No. 10 by striking out the figures "\$12,500.00" wherever they occur in said section and inserting in lieu thereof the figures "\$10,000.00".

LOVE.

The amendment was read.

Senator Parrish moved to table the amendment. The motion prevailed.

The bill as substituted and amended passed to engrossment.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 10 was put on its third reading and final passage, by the following vote:

Yeas—22.

Beck.

Berkeley.

Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
Moore.	Woodward.

Nays—1.

McFarlane.

Absent.

Miller.	Stevenson.
Pollard.	Westbrook.

Absent—Excused.

Cousins.	Parr.
Martin.	Wirtz.

Senator Neal moved to lay the bill on the table subject to call. The motion was lost by the following vote:

Yeas—8.

Beck.	McFarlane.
Cunningham.	Miller.
DeBerry.	Neal.
Greer.	Thomason.

Nays—16.

Berkeley.	Parrish.
Gainer.	Patton.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
Moore.	Woodward.

Absent.

Pollard.	Westbrook.
Stevenson.	

Absent—Excused.

Cousins.	Parr.
Martin.	Wirtz.

Read third time and finally passed by the following vote:

Yeas—21.

Berkeley.	Love.
Cunningham.	Miller.
Gainer.	Moore.
Greer.	Neal.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Russek.
Hyer.	Small.

Thomason.	Woodul.
Williamson.	Woodward.
Witt.	

Nays—2.

DeBerry.	McFarlane.
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Absent.

Pollard.	Westbrook.
Stevenson.	

Absent—Excused.

Beck.	Parr.
Cousins.	Wirtz.
Martin.	

Reason for Vote.

On S. B. No. 10 I voted no for the following reasons:

I am heartily in favor of that provision of the bill which requires all fees to be accountable, also that provision of the bill that prohibits officers from getting fees after their term of office has expired, but this session was called primarily to revise our fee system and this bill does not do so to any appreciable extent and as there is a House bill that does this much better, I voted against S. B. No. 10 in hope yet that we can really pass a bill to adequately meet the fee situation.

DeBERRY.

House Bill No. 32.

The Chair laid before the Senate the following bill:

H. B. No. 32, A bill to be entitled "An Act amending subdivision 1, Article 199, Title 8 of the Revised Civil Statutes, which subdivision relates to the district court of the First Judicial District; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 32 was put on its second reading by the following vote:

Yeas—24.

Beck.	Greer.
Berkeley.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hornsby.
Gainer.	Hyer.

Love.	Russek.
McFarlane.	Small.
Miller.	Thomason.
Moore.	Williamson.
Neal.	Witt.
Parrish.	Woodul.
Patton.	Woodward.

Absent.

Pollard.	Westbrook.
Stevenson.	

Absent—Excused.

Cousins.	Parr.
Martin.	Wirtz.

The bill was read second time and passed to third reading.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 32 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Stevenson.	Westbrook.
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Absent—Excused.

Cousins.	Pollard.
Martin.	Wirtz.
Parr.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Pollard.	Westbrook.
Stevenson.	

Absent—Excused.

Cousins.	Parr.
Martin.	Wirtz.

Adjournment.

Senator Moore moved to adjourn until tomorrow morning at 10 o'clock.

Senator Holbrook moved to recess until 8 o'clock tonight.

The motion to adjourn prevailed by the following vote:

Yeas—13.

Beck.	Moore.
Cunningham.	Parrish.
DeBerry.	Russek.
Hardin.	Small.
Hyer.	Williamson.
McFarlane.	Woodward.
Miller.	

Nays—8.

Berkeley.	Love.
Greer.	Neal.
Holbrook.	Patton.
Hornsby.	Thomason.

Present—Not Voting.

Gainer.

Absent.

Westbrook.	Woodul.
Witt.	

Absent—Excused.

Cousins.	Pollard.
Martin.	Stevenson.
Parr.	Wirtz.

APPENDIX.

Petitions and Memorials.

Committee on Rivers and Harbors
House of Representatives U. S.
Washington, D. C.
February 8, 1930.

Hon. Bob Barker, Secretary of the
Senate, Austin, Texas.

Dear Bob: I recently received from you S. R. 11, in regard to the Air Mail, and I assure you that I will be glad to render you every pos-

sible assistance in complying with this resolution of the State Senate.

I am as ever,

Yours sincerely,

(Signed) J. J. MANSFIELD.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 25 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 29 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 31 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 43 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 44 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 46 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 64 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 70 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 71 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 72 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 79 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 73 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 74 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 53 carefully examined and compared, and find the same correctly enrolled, and have this day at 11:00 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 14 carefully examined and compared, and find the same correctly enrolled, and have this day at 3:45 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 8 carefully examined and compared, and find the same correctly enrolled, and have this day at 3:45 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 16 carefully examined and compared, and find the same correctly enrolled, and have this day at 5:20 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 17 carefully examined and compared, and find the same correctly enrolled, and have this day at 5:20 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 12, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 87, A bill to be entitled "An Act providing that it shall be lawful to use shrimp trawls of certain specified size for the purpose of taking shrimp of any size for bait in any of the tidal waters of this State; providing that shrimp of any size may be taken with a minnow seine of not more than 20 feet in length or with a cast net; providing that no shrimp taken for bait may be sold for bait unless the person taking them has a fisherman's license."

Have had the same under consideration and I am instructed to report it back to the Senate that same do pass and be not printed.

MILLER, Chairman.

Committee Room,
Austin, Texas, Feb. 12, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 88, A bill to be entitled "An Act providing a daily bag limit and a possession limit on wild ducks and wild geese that are killed, taken or possessed during the open season

and repealing any provision of the law in conflict with this Act; making it unlawful to take or kill or have in possession wild ducks or wild geese in excess of such limit; providing a penalty and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate that same do pass and be not printed.

MILLER, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Drainage and Irrigation, to whom was referred

S. B. No. 91, A bill to be entitled "An Act to create Velasco Drainage District of Brazoria County, Texas, defining its boundaries, validating and approving all orders made by the commissioners' court of Brazoria County, in respect to the original organization and creation of said district as a Drainage District under Article 3, Section 52 of the Constitution; converting said district, without change of name, into a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas; validating all assessments of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment and the issuance and sale of the bonds of said district, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said district, and approving and validating all orders of the commissioners' court of said county, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that same do pass and be not printed.

STEVENSON, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Drainage and Irrigation, to whom was referred

S. B. No. 92, A bill to be entitled "An Act to create the Angleton Drainage District of Brazoria County, Texas, defining its boundaries,

validating and approving all orders made by the commissioners' court of Brazoria County in respect to the original organization and creation of said district as a Drainage District under Article 3, Section 52 of the Constitution; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

STEVENSON, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Drainage and Irrigation, to whom was referred

S. B. No. 93, A bill to be entitled "An Act to create San Bernard Drainage District No. 10, of Brazoria County, Texas, defining its boundaries, validating and approving all orders made by the commissioners' court of Brazoria County in respect to the original organization and creation of said district as a Drainage District under Article 3, Section 52 of the Constitution; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

STEVENSON, Chairman

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Drainage and Irrigation, to whom was referred

S. B. No. 90, A bill to be entitled "An Act to create Brazoria County Drainage District No. 6 in Brazoria County, Texas, defining its boundaries, validating and approving all orders made by the commissioners' court of Brazoria County; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

STEVENSON, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Drainage and Irrigation, to whom was referred

S. B. No. 89, A bill to be entitled "An Act to create Brazoria County Drainage District No. 8, in Brazoria County Texas, defining its boundaries, validating and approving all orders made by the commissioners' court of Brazoria County in respect to the original organization, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

STEVENSON, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Drainage and Irrigation, to whom was referred

S. B. No. 49, A bill to be entitled "An Act to amend Chapter 70, Special Laws passed at the Regular Session of the Forty-first Legislature, the same being an Act creating and validating Hidalgo and Cameron Counties Water Control and Improvement District No. 9, in Hidalgo and Cameron Counties, by adding to said Chapter a new section numbered 8a, validating bond election held on the 7th day of September, 1929, and the bonds issued pursuant thereto; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

STEVENSON, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 41, A bill to be entitled "An Act to amend Chapter 8, Title 128, Revised Civil Statutes of Texas, by adding thereto Article 8197 (a), authorizing any district that may have availed itself of the provisions of Article 8195 and become a Con-

servation and Reclamation District to issue bonds of said district for the purpose of refunding any indebtedness incurred prior to the time of such change and to levy a tax in payment thereof and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

STEVENSON, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 50, A bill to be entitled "An Act to create Donna Irrigation District, Hidalgo County No. 1, in Hidalgo County, Texas, validating and approving all orders made by the commissioners' court of said county in respect to the original organization of said District as a Water Improvement District under Section 52 of Article 3 of Constitution; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

STEVENSON, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 48, A bill to be entitled "An Act to create Hidalgo County Water Improvement District Number six, in Hidalgo County, Texas, and defining the boundaries of said district; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

STEVENSON, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Ag-

ricultural Affairs, to whom was referred

S. B. No. 102, A bill to be entitled "An Act to prohibit the shipment into Texas of any citrus nursery stock grown in the State of Florida, prohibiting any railway company, steamship company, express company, motor bus company, or any other common or private carrier from delivering in Texas any citrus nursery stock grown in the State of Florida, providing that no common or private carrier shall be held liable for damages to any person or corporation for refusing to receive for delivery in Texas any citrus nursery stock grown in the State of Florida, authorizing and empowering the Commission of Agriculture or any of its inspectors, or any sheriff, deputy sheriff, state ranger, or constable to seize and destroy any citrus nursery stock grown in the State of Florida which may be shipped into Texas in violation of this Act, prescribing penalties and making this Act cumulative of Chapter 7, Vol. 1, Revised Civil Statutes of 1925, and Chapter 15, Acts of the Second Called Session of the Forty-first Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

GAINER, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 84, A bill to be entitled "An Act amending Articles 5738, 5739, 5742, 5743, 5746, 5748, and 5763, of the Revised Civil Statutes, of 1925, relating to cooperative marketing associations, said articles being a portion of what is commonly known as the Cooperative Marketing Act of Texas: declaring that if any section, article or provision of said Cooperative Marketing Act or this Act shall be declared to be unconstitutional or invalid for any reason the remainder of the same, shall, nevertheless, be in force and effect; and declaring an emergency.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 32, A bill to be entitled "An Act amending Subdivision 1, Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, which subdivision relates to the district court of the First Judicial District of Texas, and to fix the number of terms and the places and time for holding said court; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 95, A bill to be entitled "An Act providing for the temporary registration or visiting privileges in this State of vehicles owned by citizens of another state or country and duly registered under the laws of said state or country for the current year; prescribing restrictions under which such vehicles may be operated; prescribing penalties for any violations hereof; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State

Highways and Motor Traffic, to whom was referred

S. B. No. 85, A bill to be entitled "An Act to amend Section 12 of Acts of Twenty-eighth Legislature, creating a road system for Palo Pinto and Bosque Counties, being Chapter 22, Special Laws, 1903, as amended by Chapter 19, Special Laws, 1913, which Section 12 was added by Chapter 12, Special Laws of the Forty-first Legislature at its Second Called Session; authorizing the commissioners' court of Palo Pinto County, Texas, to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes in Palo Pinto County and to levy a tax in payment thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 36, A bill to be entitled "An Act relating to the duties of the county board of trustees of the public schools of this State in all counties having a population of 710 and not more than 755 as shown by the last preceding census authorizing the said boards to subdivide their respective counties into convenient school districts; consolidate two or more adjacent districts; revise or re-arrange the boundaries of any district; attach territory thereto or detach territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis as provided by general law; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1930.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 101, A bill to be entitled "An Act creating a board for the leasing of State parks for oil and/or gas; granting authority for said board to make concession contracts for any causeway, beach drive, or other improvements in connection with State park sites, providing that the revenues received therefor will be placed in the special fund of the State Treasury; granting authority to said board to make such rules and regulations for carrying out the provisions of this Act as may be necessary; repealing all laws in conflict and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MILLER, Chairman.

By McFarlane.

S. B. No. 101

A BILL

To Be Entitled

An Act creating a board for the leasing of State parks for oil and/or gas; granting authority for said board to make concession contracts for any causeway, beach drive, or other improvements in connection with State park sites, providing that the revenues received therefor will be placed in the special fund of the State Treasury; granting authority to said board to make such rules and regulations for carrying out the provisions of this Act as may be necessary; repealing all laws in conflict, and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. A Board is hereby created to consist of the Chairman of the State Park Board, the Attorney General and the Governor of the State, to be hereinafter known as the "State Parks Board for leasing and regulating said land." The term "Board," wherever it appears hereafter in this Act, shall mean the "State Parks Board for leasing and regulating said land." The Board shall keep a complete record in writing of all its proceedings.

Sec. 2. The Board is hereby granted authority to lease any and all of said lands held by said State Parks Board, and to enter into negotiations with the necessary parties for the clearing of title to said land for the purpose of leasing said land for mineral purposes, and said Board is authorized to lease any of said land to any person or persons, firm or corporation, subject to and as is provided in this Act, for the purpose of prospecting or exploring for oil and/or gas.

Sec. 3. The Board is hereby authorized to cause the State Parks Board Lands to be surveyed, and subdivided into such lots or blocks as will be conducive or convenient to facilitate the advantages of leasing said land for oil and/or gas leases thereon, and identify such lots or blocks by a permanent markings on the ground, and to make such maps or plats as may be thought necessary to carry out the purposes of this Act. The Board shall forthwith obtain authentic abstracts of title to all State Parks Board land, and cause same to be examined by the Attorney General, who shall file written opinions, and said Board shall take such necessary steps, as may be necessary to perfect a merchantable title to such lands. Such abstracts of title and the Attorney General's opinion thereon, shall be held on file in the State Parks Board's office, as public documents for the inspection of any prospective purchaser of oil and/or gas leases on said land.

Sec. 4. Wherever, in the opinion of the Board, there shall be such a demand for the purchase of oil and/or gas leases on any lot or tract of said land, as will reasonably insure an advantageous sale, the Board shall place such oil and/or gas in said land on the market in such blocks or lots, as the Board may designate. It shall cause to be advertised a brief description of the land, from which the oil and/or gas is proposed to be sold, and that sealed bids for the purchase of said oil and/or gas by lease will be opened at a designated day, at 10:00 a. m. that day, and that sealed bids received up to that time will be considered. Said advertisements shall be made by inserting a brief description of said land to be leased for oil and/or gas

in at least three of the daily newspapers in the State, as is required now, for the sale of land under execution.

Sec. 5. All bids shall be directed to the Chairman of said State Parks Board, and shall be retained by said Chairman until the day designated for the opening of said bids, and on that day the said board or the majority of its members shall open said bids and shall list and file and register all bids and money received. A separate bid shall be made for each whole survey or subdivision thereof. No bid shall be accepted which offers a royalty of less than one-eighth ($1/8$) of the gross production of oil and/or gas in the land bid upon, and this minimum royalty may be increased at the discretion of the Board, a majority of the members concurring, before the promulgation of the advertisement of the land. Every bid shall carry an obligation to pay an amount of not less than \$1.00 per acre for delay in drilling, such amount to be fixed by the Board in advance of the advertisement, and it shall be paid every year for five years, unless oil and/or gas is found in paying quantities upon said land.

Sec. 6. Every bid shall be accompanied by a payment equal to the minimum price fixed on the land per acre, for delay in drilling if the bid is accepted. The bid shall further indicate the royalty the bidder is willing to pay, which royalty shall not be less than one-eighth ($1/8$) of the gross production. The bids shall further name such amount as the bidder shall be willing to pay in addition to the royalty and the annual payment herein provided for, and shall be accompanied by cash or checks collectable in Austin, to cover said amounts.

Sec. 7. If any one of the bidders shall have offered a reasonable and proper price therefor and less than the price fixed by the Board, the lands advertised, or any whole survey or subdivision thereof may be leased for oil and/or gas purposes under the terms of this Act, and such regulations as the Board may subscribe not inconsistent with the provisions of this Act. If after any bidding by sealed bids, the Board should reject all bids, as it is hereby authorized to do, it may thereafter of-

fer for sale, and sell the oil and/or gas in said lands in separate whole surveys only, or subdivisions thereof by open public auction, at a price less than the price offered by the sealed bids. All bids may be rejected. In the event of no sale at public auction, any subsequent procedure for the sale of said oil and/or gas leases shall be in the manner above provided.

Sec. 8. If the Board shall determine that a satisfactory bid has been received for said oil and/or gas, it shall be filed in the General Land Office. Whenever the royalty shall amount to as much as the yearly payment, as fixed by the Board, the yearly payment may be discontinued. If before the expiration of three years, oil and/or gas shall not be produced in paying quantities, the lease shall terminate.

Sec. 9. If during the term of any lease issued under the provisions of this Act the lessee shall be engaged in actual drilling operations for the discovery of oil and/or gas on land covered by any such lease, no rentals shall be payable on the tract upon which such operations are being conducted, so long as such operations are proceeding in good faith, and in the event oil and/or gas is discovered in paying quantities on any tract of land covered by any such lease then the lease, as to such tract shall remain in full force, so long as oil and/or gas is produced in paying quantities from such tract. In the event of the discovery of oil and/or gas on any tract covered by a lease issued hereunder or on any land adjoining same, the lessee shall conduct such operations as shall be necessary to prevent drainage from the tract covered by such lease to properly develop the same. Failure to comply with the obligations provided by this section shall subject the holder of the lease to the penalties provided in Sections 12 and 13 of this Act.

Sec. 10. Title to all rights purchased may be held by the owners so long as the area produces oil and gas in paying quantities. All rights purchased may be assigned in quantities of not less than forty acres, unless there be less than forty acres remaining in any survey, in which case such lesser area may be so assigned. All assignments shall be filed in the Gen-

eral Land Office within one hundred days after the date of the first acknowledgement thereof, accompanied by One Dollar (\$1.00) per acre for each acre assigned, and if not so filed and payment made, the assignment shall be ineffective. All rights to any whole survey and to any assigned portion thereof may be relinquished to the State at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated, and filed in the Land Office accompanied with one dollar for each area assigned, but such assignment shall not relieve the owner of any past due obligations theretofore accrued thereon. The Board shall authorize the laying of pipe line, telephone lines, and the opening of such roads over the State Parks Lands as may be deemed reasonably necessary for and incident to the purposes of this Act.

Sec. 11. Royalty as stipulated in the sale shall be paid to the Chairman of the State Parks Board at Austin, Texas, and all of said money received under this Act shall be deposited in the State Treasury in a special fund on or before the 20th day of each succeeding month for the preceeding month, during the life of the rights purchased, and such money so deposited shall be expended in improving and extending the State Parks program under such rules and regulations as the State Parks Board may deem best. The royalty received from any such oil and/or gas lease shall be accompanied by the sworn statement of the owner, manager or other authorized agent showing the gross amount of oil produced and saved since the last report, and the amount of gas produced and sold off of the premises, and the market value of the oil and/or gas together with a copy of all daily gages of tanks, gas meter readings, pipe line receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipe lines, tanks, or pools, and gas lines, or gas storage. The books, and accounts, receipts, and discharges of all wells, tanks, pools, meters, pipe lines and all contracts and other records pertaining to the production, transportation, sale and marketing of the oil and/or gas shall at all times be subject to inspection

and examination by the Commissioner of the General Land Office, the Attorney General or the Governor.

Sec. 12. In every case where the area in which oil and/or gas sold shall be contiguous or adjacent to land not State Parks Land, the acceptance of the bid and the sale made thereof to adequately protect the land leased from drainage from adjacent land. In cases where the area in which the oil and/or gas is sold, as a lesser royalty, the owner shall likewise protect the State from drainage from the land so leased or sold for lesser royalty. Upon failure to protect the land from drainage as herein provided the sale and all rights thereunder may be forfeited by the Board in the manner elsewhere provided herein for forfeiture.

Sec. 13. If the owner of the rights acquired under this Act shall fail or refuse to make the payment of any sum due thereon, either as rental or royalty on the production, within thirty days after same shall become due, if such owner or his authorized agent should make any false return or false report concerning production, royalty or drilling, or if such owner shall fail or refuse to drill any offset well or wells in good faith, as required by his lease, or if such owner or his agent should refuse the proper authority access to the records and other data pertaining to the operations under this Act, or if such owner, or his authorized agent, should fail or refuse to give correct information to the proper authorities, or fail or refuse to furnish the log of any well within thirty days after production is found in paying quantities, or if any of the material terms of the lease should be violated, such lease shall be subject to forfeiture by the Board by an order entered upon the minutes of the Board reciting the facts constituting the default, and declaring the forfeiture. The Board may, if it so desires, have suit instituted for forfeiture through the Attorney General of the State. Upon proper showing by the forfeiting owner, within thirty days after the declaration of forfeiture, the lease may, at the discretion of the Board and upon such terms as it may prescribe, be reinstated. In case of violation by the owner of the lease contract, the rem-

edy of the State by forfeiture shall not be the exclusive remedy, but suit for damages or specific performance, or both, may be instituted. The State Parks Board shall have a first lien upon all oil and/or gas produced upon the leased area, and upon all rigs, tanks, pipe lines, telephone lines, and machinery and appliances used in the production and handling of oil and gas produced thereon, to secure any amount due from the owner of said lease.

Sec. 14. The expenses of executing the provisions of this Act shall be paid monthly by warrants drawn by the Comptroller on the State Treasurer, and for that purpose the sum of Five Hundred (\$500.00) Dollars or as much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated until September 1, 1930.

Sec. 15. If any provision hereof should be held unconstitutional, the balance of the Act shall not be affected thereby.

Sec. 16. The Board shall adopt proper forms and regulations, rules and contracts as will in its best judgment protect the income from lands leased hereunder. A majority of the Board shall have power to act in all cases, except where otherwise provided. The Board may reject any and all bids and shall have the further right to withdraw any lands advertised for lease prior to receiving and opening bids. Any and all parts of laws in conflict with this Act are hereby repealed.

Sec. 17. Since there is no law authorizing the sale of oil and/or gas leases on State Parks Lands, this fact creates an emergency, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three separate days in each House be suspended and that this be placed upon third reading and final passage and take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 94, A bill to be entitled "An Act providing for the disposition of oil and gas in lands be-

longing to the State eleemosynary institutions and State parks, and also providing for the sale of timber and the leasing of any such lands; and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do not pass, but that Committee Substitute bill hereto attached, do pass in lieu thereof, the same being a bill entitled

"An Act providing for the sale of oil and/or gas in the lands belonging to the State eleemosynary institutions, and State mineral parks; creating a board for the leasing of said lands and prescribing the duties and powers of said board, prescribing the mode and manner of selling said oil and/or gas leases in said lands belonging to the State eleemosynary institutions, and State mineral parks; prescribing for the sale of timber on said land and the leasing of any such lands; making an appropriation to defray the expense of enforcing said Act; repealing all laws in conflict and declaring an emergency."

Have had the same under consideration and recommend that Committee Substitute bill do pass and be printed in the Journal.

MILLER, Chairman.

By McFarlane S. B. No. 94.

A BILL

To Be Entitled.

An Act providing for the disposition of oil and gas in lands belonging to the State eleemosynary institutions and State parks, and also providing for the sale of timber and the leasing of any such lands; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. The Board of Control by and with the consent of the Governor is hereby authorized and empowered to lease any and all lands owned by the State that are used by the eleemosynary institutions and State parks for the purpose of prospecting for oil, gas, and other minerals provided, however that said leases shall be made upon sealed bids after having been advertised in not less than three daily papers, giving at least fifteen days notice and the right to reject any and all bids shall be reserved.

Sec. 2. The State Board of Control shall also have the authority to dispose of any timber not needed on any of the lands belonging to the State eleemosynary institutions and to lease portions of such land where it would be advantageous to the State to do so. Said leases and timber shall be disposed of under such terms and at such price as may be agreed upon by the Board of Control.

Sec. 3. It is not the intention of this Act to grant any authority to dispose of any oil, gas, or timber, or to lease any land, or to make any contract or agreement where to do so the proper operation of the eleemosynary institutions involved would be interfered with.

Sec. 4. The fact that it is to the best interest of the State to confer said authority on the Board of Control, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 1.

To S. B. No. 94.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. A board is hereby created to consist of the Commissioner of the General Land Office, the Attorney General and the Chairman of the Board of Control, who shall perform the duties hereinafter indicated; the board shall be known as the "Board for Lease of Eleemosynary and State Mineral Park Lands." The term "Board" wherever it appears hereafter in this Act shall mean the "Board for Lease of Eleemosynary and State Mineral Park Lands." This board shall keep a complete record in writing of all its proceedings.

Sec. 2. All lands or any parcel of same now owned, or that may be owned and held by the State as State Eleemosynary and State Mineral Park lands may be leased by the board to any person, or persons, firm, or corporation, subject to and as provided for in this Act, for the purpose of prospecting, or exploring for and mining, producing, storing, caring for, transporting, preserving, and disposing of the oil and/or gas therein belonging to the State.

Sec. 3. The board is hereby authorized to cause the State eleemosynary and State mineral park lands to be surveyed and sub-divided into such lots or blocks as will be conducive or convenient to facilitate the advantageous sale of oil and/or gas leases thereon, and identify such lots and blocks by permanent markings on the ground, and to make such maps and plats as may be thought necessary to carry out the purposes of this Act. The board shall forthwith obtain authentic abstracts of title to all eleemosynary and State park lands, and cause same to be examined by the Attorney General, who shall file written opinions thereon, and said board shall take such steps as may be necessary to perfect a merchantable title to such lands in the State of Texas. Such abstracts of title and the Attorney General's opinion thereon shall be held on file in the General Land Office as public documents for the inspection of any prospective purchaser of oil and gas leases on said lands.

Sec. 4. Wherever, in the opinion of the board, there shall be such a demand for the purchase of oil and/or gas leases on any lot or tract of said land as will reasonably insure an advantageous sale, the board shall place such oil and gas in said land on the market in such blocks or lots as the board may designate. It shall cause to be advertised a brief description of the land from which the oil and gas is proposed to be sold, and that sealed bids for the purchase of said oil and/or gas by lease will be opened at a designated day, at ten o'clock a. m. that day, and that sealed bids received up to that time will be considered. Said advertisements shall be made:

(a.) In addition the board may in its discretion, cause said advertisement to be placed in oil and gas journals in and out of the State to be mailed generally to such persons as they think might be interested.

Sec. 5. All bids shall be directed to the said board in care of the General Land Office of the State of Texas, and shall be retained by the Commissioner of the General Land Office until the day designated for the opening of bids, and upon that day the said board, or a majority of its members, shall open said bids and shall list and file and register all bids and money received. A sep-

arate bid shall be made for each whole survey or subdivision thereof. No bid shall be accepted which offers a royalty of less than one-eighth of the gross production of oil and/or gas in the land bid upon, and this minimum royalty may be increased at the discretion of the board, all members concurring, before the promulgation of the advertisement of the land. Every bid shall carry the obligation to pay an amount not less than \$1.00 per acre for delay in drilling, such amount to be fixed by the board in advance of the advertisement, and which shall be paid every year for five years, unless in the meantime production in paying quantities is had upon the land.

Sec. 6. Every bid shall be accompanied by a payment equal to the minimum price fixed on the land per acre for delay in drilling if the bid is accepted. The bid shall further indicate the royalty the bidder is willing to pay, which royalty shall not be less than one-eighth of the gross production. The bid shall further name such amount as the bidder may be willing to pay in addition to the royalty and the annual payment herein provided for, and shall be accompanied by cash or checks collectible in Austin to cover said amounts.

Sec. 7. If any one of the bidders shall have offered a reasonable and proper price therefor, and less than the price fixed by the board, the lands advertised, or any whole survey or subdivision thereof, may be leased for oil and/or gas purposes under the terms of this Act, and such regulations as the board may prescribe, not inconsistent with the provisions of this Act. If after any bidding by sealed bids the board should reject all bids, as it is hereby authorized to do, it may thereafter offer for sale and sell the oil and/or gas in said lands, in separate whole surveys only or subdivisions thereof, by open public auction at a price less than the price offered by the sealed bids. All bids may be rejected. In the event of no sale at public auction, any subsequent procedure for the sale of said oil and gas leases shall be in the manner above provided.

Sec. 8. If the board shall determine that a satisfactory bid has been received for said oil and gas, it shall be filed in the General Land Office. When ever the royalties shall

amount to as much as the yearly payment as fixed by the board, the yearly payment may be discontinued. If before the expiration of three years oil and/or gas shall not have been produced in paying quantities, the lease shall terminate.

Sec. 9. If during the term of any lease issued under the provisions of this Act the lessee shall be engaged in actual drilling operations for the discovery of oil and/or gas on land covered by any such lease, no rentals shall be payable as to the tract on which such operations are being conducted so long as such operations are proceeding in good faith; and in the event oil or gas is discovered in paying quantities on any tract of land covered by any such lease, then the lease as to such tract shall remain in force so long as oil or gas is produced in paying quantities from such tract. In the event of the discovery of oil and/or gas on any tract covered by a lease issued hereunder or on any land adjoining same, the lessee shall conduct such operations as may be necessary to prevent drainage from the tract covered by such lease to properly develop the same. Failure to comply with the obligations provided by this section shall subject the holder of the lease to the penalties provided in Sections 12 and 13 of this Act.

Sec. 10. Title to all rights purchased may be held by the owners so long as the area produces oil and gas in paying quantities. All rights purchased may be assigned in quantities of not less than forty acres, unless there be less than forty acres remaining in any survey, in which case such lesser area may be so assigned. All assignments shall be filed in the General Land Office within one hundred days after the date of the first acknowledgment thereof, accompanied by ten cents per acre for each acre assigned, and if not so filed and payment made, the assignment shall be ineffective. All rights to any whole survey and to any assigned portion thereof may be relinquished to the State at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated, and filed in the Land Office accompanied with one dollar for each area assigned, but such assignment shall not relieve the owner of

any past due obligations theretofore accrued thereon. The board shall authorize the laying of pipe line telephone lines, and the opening of such roads over the eleemosynary and State park lands as may be deemed reasonable necessary for and incident to the purposes of this Act.

Sec. 11. Royalty as stipulated in the sale shall be paid to the General Land Office at Austin, Texas, for benefit of the General Revenue Fund on or before the 20th day of each succeeding month for the preceding month during the life of the rights purchased, and it shall be accompanied by the sworn statement of the owner, manager or other authorized agent showing the gross amount of oil produced and saved since the last report and the amount of gas produced and sold off the premises and the market value of the oil and gas, together with a copy of all daily guages of tanks, gas meter readings, pipe line receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipe lines, tanks or pools and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks pools, meters, pipe lines, and all contracts and other records pertaining to the production, transportation, sale and marketing of the oil and/or gas shall at all times be subject to inspection and examination by the Commissioner of the General Land Office, the Attorney General, the Governor or any member of the State Board of Control.

Sec. 12. In every case where the area in which oil and/or gas sold shall be contiguous or adjacent to land not eleemosynary and State park land, the acceptance of the bid and the sale made thereof to adequately protect the land leased from drainage from adjacent lands. In cases where the area in which the oil and/or gas is sold, as a lesser royalty, the owner shall likewise protect the State from drainage from the land so leased or sold for lesser royalty. Upon failure to protect the land from drainage as herein provided the sale and all rights thereunder may be forfeited by the board in the manner elsewhere provided herein for forfeitures.

Sec. 13. If the owner of the rights acquired under this Act shall

fail or refuse to make the payment of any sum due thereon, either as rental or royalty on the production, within thirty days after same shall become due, or if such owner or his authorized agent should make any false return or false report concerning production, royalty or drilling, or if such owner shall fail or refuse to drill any offset well or wells in good faith, as required by his lease, or if such owner or his agent should refuse the proper authority to access to the records and other data pertaining to the operations under this Act, or if such owner, or his authorized agent, should fail or refuse to give correct information to the proper authorities, or fail or refuse to furnish the log of any well within thirty days after production is found in paying quantities, or if any of the material terms of the lease should be violated, such lease shall be subject to forfeiture by the board by an order entered upon the minutes of the board reciting the facts constituting the default, and declaring the forfeiture. The board may, if it so desires, have suit instituted for forfeiture through the Attorney General of the State. Upon proper showing by the forfeiting owner, within thirty days after the declaration of forfeiture, the lease may, at the discretion of the board and upon such terms as it may prescribe, be reinstated. In case of violation by the owner of the lease contract, the remedy of the State by forfeiture shall not be the exclusive remedy, but suit for damages or specific performance, or both may be instituted. The State shall have a first lien upon all oil and/or gas produced upon the leased area, and upon all rigs, tanks, pipe lines, telephone lines, and machinery and appliances used in the production and handling of oil and gas produced thereon, to secure any amount due from the owner of said lease.

Sec. 14. All surveys, files, records, copies of sale and lease contracts, and all other pertaining to the sales and leases hereby authorized shall be filed in the General Land Office and constitute archives thereof. Payment hereunder shall be made to the Commissioner of the General Land Office at Austin, Texas, who shall transmit to the State Treasurer all royalty for deposit to the credit of the General Revenue Fund, and all rentals for

delay in drilling and all other payments, including all filing assignments and relinquishment fees hereunder to the credit of the General Revenue Fund.

Sec. 15. The expenses of executing the provisions of this Act shall be paid monthly by warrants drawn by the Comptroller on the State Treasurer, and for that purpose the sum of Two Thousand (\$2,000.00) Dollars, or as much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated until September 1, 1930.

Sec. 16. If any provision hereof should be held unconstitutional, the balance of the Act shall not be affected thereby.

Sec. 17. The board shall adopt proper forms and regulations, rules and contracts as will in its best judgment protect the income from lands leased hereunder. A majority of the board shall have power to act in all cases, except where otherwise herein provided. The board may reject any and all bids and shall have the further right to withdraw any lands advertised for lease prior to receiving and opening bids. Any and all or parts of laws in conflict with this Act are hereby repealed.

Sec. 18. Since there is no law authorizing the sale of oil and/or gas leases on eleemosynary and State mineral park lands, this fact creates an emergency, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three separate days in each House be suspended and that this be placed upon third reading and final passage and take effect from and after its passage, and it is so enacted.

Committee Amendment No. 2.
To S. B. No. 94.

A BILL

To Be Entitled

An Act providing for the sale of oil and/or gas in the lands belonging to the State eleemosynary institutions, and State mineral parks; creating a board for the leasing of said lands and prescribing the duties and powers of said board; prescribing the mode and manner of selling said oil and/or gas leases in said lands belonging to the State eleemosynary institutions, and State min-

eral parks; prescribing for the sale of timber on said land and the leasing of any such lands; making an appropriation to defray the expense of enforcing said Act; repealing all laws in conflict and declaring an emergency.

By McFarlane.

S. B. No. 94.

A BILL
To Be Entitled

An Act providing for the disposition of oil and gas in lands belonging to the State eleemosynary institutions and State parks, and also providing for the sale of timber and the leasing of any such lands; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section. 1. The Board of Control by and with the consent of the Governor is hereby authorized and empowered to lease any and all lands owned by the State that are used by the eleemosynary institutions and State parks for the purpose of prospecting for oil, gas, and other minerals, provided, however, that said leases shall be made upon sealed bids after having been advertised in not less than three daily papers, giving at least fifteen days notice, and the right to reject any and all bids shall be reserved.

Sec. 2. The State Board of Control shall also have authority to dispose of any timber not needed on any of the lands belonging to the State eleemosynary institutions and to lease portions of such land where it would be advantageous to the State to do so. Said leases and timber shall be disposed of under such terms and at such price as may be agreed upon by the Board of Control.

Sec. 3. It is not the intention of this Act to grant any authority to dispose of any oil, gas, or timber, or to lease any land, or to make any contract or agreement where to do so the proper operation of the eleemosynary institutions involved would be interfered with.

Sec. 4. The fact that it is to the best interest of the State to confer said authority on the Board of Control, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each

House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 75, A bill to be entitled "An Act requiring all public school property to be insured against loss by fire, tornado, hail and windstorm, and providing the necessary regulations to that end, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MOORE, Chairman.

By Love.

S. B. No. 75.

A BILL
To Be Entitled

An Act requiring all public school property to be insured against loss by fire or tornado or hail and windstorm and providing the necessary means, funds and regulations to that end, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Hereafter every school district in this State shall insure its property against loss by fire, tornado, windstorm and hail as provided in this Act. The Board of Insurance Commissioners shall operate and administer a division to be known as the State School Insurance Division. Said board shall promulgate rules and regulations necessary to carry out the provisions of this Act.

Sec. 2. Each school district shall insure its property with an insurance carrier or carriers authorized to write such business in Texas, acceptable to the board, in an adequate amount to be determined by the board upon information furnished on inspection reports required by the board, not to exceed 100% of the value of the property to be insured.

Sec. 3. In event any school district fails or refuses to take out such insurance as may be required by the board, or fail or refuse to pay

the premiums as they fall due under the policies and rules of the board by November 1st, noon, of each year, then the board is hereby authorized to enter into a contract or contracts with any insurance carrier or carriers authorized to write such business in Texas, to protect such property with the proper amount of insurance, and the State Board of Education shall deduct the amount of such premiums from the next and subsequent allotment of State available school funds. It is further provided that the State Board of Education shall be made parties at interest in all policies, and cancellation of such policies by the trustees of the school district shall not be effected without notice to and permission of said board.

Sec. 4. The sum of five thousand dollars (\$5,000.00) is hereby appropriated for the year ending August 31st, 1931, and a like sum for the year ending August 31st, 1932, out of the State Treasury from the general fund to defray expense of carrying out the provisions of this Act. The board shall employ such help, print such forms and incur such expenses as may be necessary to administer this Act.

Sec. 5. Where any district has an inadequate amount of insurance against loss by fire, tornado, windstorm and hail, the district shall take an additional amount, so that the district will have at all times an adequate amount as required by the board. Each school district shall furnish full information to the board whether it has insurance on its property or not, to the end that the board shall determine the amount of insurance to be taken out by the school district. The decision of the board shall be final as to such amount.

Sec. 6. The term "school district" as used in this Act means any school district in the State, whether common or independent, and also any city or town having charge of its schools. The term "board" means the Board of Insurance Commissioners.

Sec. 7. Immediately upon this Act becoming effective, and annually thereafter, the board shall obtain from each school district, upon blanks prepared and furnished by the board, a statement showing the

description of all its school property, the amount of insurance carried thereon, the name and address of the carrier, the expiration thereof, the premium thereon, and such other information as may be deemed desirable, and on or before January 1st, 1931, and annually thereafter, the board shall report to the Governor all the facts shown by such annual statements of the various school districts.

Sec. 8. If any school district in this State shall maintain a system of carrying its own insurance by setting aside a special fund therefor under terms and conditions which satisfy the board, that it adequately protects such district against loss by fire, tornado, windstorm and hail, such districts shall not be required to carry other insurance protection as provided in this Act.

Sec. 9. The fact that school buildings and property in this State are in many instances uninsured, and in others inadequately insured, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 78, A bill to be entitled "An Act amending Title 88, of the Revised Civil Statutes of Texas of 1925, by adding thereto an article to be known as Article 5432a defining libel as applied to statements made over and through a radio broadcasting station, providing a penalty, defining radio broadcasting station, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

WOODWARD, Chairman.

By Williamson.

S. B. No. 78.

A BILL

To Be Entitled

An Act amending Title 78 of the Revised Civil Statutes of Texas, of 1925, by adding thereto an article to be known as Article 5432a defining libel as applied to statements made over and through a radio broadcasting station, providing a penalty, defining radio broadcasting station, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there be added to Title 88 of the Revised Civil Statutes of Texas, of 1925, an Article to be known as 5432a and to read as follows:

It shall be unlawful for any person to circulate and for the owner or person in charge of any broadcasting station to permit any person to circulate by words spoken over the radio of such broadcasting station a verbal defamation, the statement conveying the idea of either:

1.—That the person to whom it refers has been guilty of some penal offense; or

2.—That he has been guilty of some act or omission which though not a penal offense is disgraceful to him as a member of society and the natural conclusion of which is to bring him in contempt among honorable persons; or

3.—That he has some moral vice, or physical or mental defect or disease which renders him unfit for intercourse with respectable society and such as should cause him to be generally avoided; or

4.—That he is naturally of bad or infamous character; or

5.—That any person in public office or candidate therefor is dishonest and therefore unworthy of such office, or that while in such office he has been guilty of some malfeasance rendering him unworthy of the place.

Any person violating any of the provisions of Section 1 hereof shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars, and may be, in addition thereto, imprisoned in jail not exceeding one year.

It shall not be necessary for the State to show that the statement was false but the defendant may, in justification, show the truth of the statement.

By radio broadcasting station, as used in this Act, is meant an assigned location with apparatus for sending out, from which are sent messages to receiving points within its range, by radio telephony.

Sec. 2. The fact that the present laws are inadequate to protect citizens from libelous and slanderous statements by unscrupulous persons in speaking over the radio, and the further fact that persons in charge of broadcasting stations are not made responsible by existing laws for libelous and slanderous statements uttered and circulated through their radio broadcasting stations, creates an emergency and an imperative public necessity; that the constitutional rule requiring that bills be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 77, A bill to be entitled "An Act amending Subdivision 1, Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, which subdivision relates to the district court of the First Judicial District of Texas, and to fix the number of terms and the places and time for holding said court, and to conform all writs and process from such court to such changes, and to make all writs and process issued or served before this Act takes effect including recognizances and bonds, returnable to the terms of said court as herein fixed, and to validate the drawing and the selecting and the summoning of all grand and petit jurors for said court; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

PATTON, Chairman.

By Cousins, Thomason. S. B. No. 77.

A BILL

To Be Entitled

An Act amending Subdivision 1, Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, which subdivision relates to the district court of the First Judicial District of Texas, and to fix the number of terms and the places and time for holding said court, and to conform all writs and process from such court to such changes, and to make all writs and process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of said court as herein fixed, and to validate the drawing and the selecting and the summoning of all grand and petit jurors for said court; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Subdivision 1, Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

1. San Augustine, Orange, Newton, Jasper and Sabine.

San Augustine County: Beginning the first Monday in January, and the twenty-fifth Monday after the first Monday in January, and continue four weeks.

Orange County: Beginning the fourth Monday after the first Monday in January, the twenty-first Monday after the first Monday in January and the thirty-seventh Monday after the first Monday in January, and continue four weeks.

Newton County: Beginning the eighth Monday after the first Monday in January, and the thirty-third Monday after the first Monday in January, and continue four weeks.

Jasper County: Beginning the twelfth Monday after the first Monday in January, the twenty-ninth Monday after the first Monday in January, and the forty-sixth Monday

after the first Monday in January, and continue four weeks.

Sabine County: Beginning the sixteenth Monday after the first Monday in January, and the forty-first Monday after the first Monday in January, and continue five weeks.

Sec. 2. That all process and writs heretofore issued out of said district court and returnable to terms of said court respectively, according to existing laws, are hereby made returnable to the terms of said court as said terms are fixed by this Act, and all bonds executed and recognizances entered into in said court shall bind the parties for their appearance, or to fulfill the obligations of such bonds and recognizances, at the terms of said court as they are fixed by this Act, and all process heretofore issued or taken in said district court shall be as valid as though no change was made in the number of terms or the time of holding said court herein, and all grand and petit jurors drawn and selected and summoned under existing laws for said court are hereby declared lawfully drawn and selected and summoned for the first term of said district court held in each county of said district in conformity with this Act.

Sec. 3. All laws, and parts of laws, in conflict with this Act are hereby expressly repealed.

Sec. 4. Whereas, the crowded condition of the dockets of the district court of the First Judicial District necessitates the holding of three terms of court in Jasper and Orange Counties each year instead of only two terms, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 3, A bill to be entitled "An Act amending Articles 6205, Revised Civil Statutes of 1925 as

amended by Chapter 153 of the General and Special Laws of the Forty-first Legislature at its Regular Session, amending Article 6221, Revised Civil Statutes of 1925 as amended by Chapter 5 of the General Laws, Second Called Session of the Forty-first Legislature, and amending Article 6215, Revised Civil Statutes of 1925 as amended by Chapter 307, General and Special Laws of the Regular Session, Forty-first Legislature; amending Article 6204 as amended and amending Articles 6208 and 6226, Revised Statutes, 1925; repealing Article 6214 as amended and Article 6216, Revised Statutes 1925; providing more adequately for pensions provided for in said articles and to provide for a more equitable distribution of the pension fund; providing for temporary advancements out of the general revenue fund to the pension fund; making an appropriation for such advancement out of the general revenue fund; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal with the following committee amendments, to-wit:

Amend S. B. No. 3 by striking out all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Article 6205 of the Revised Civil Statutes of 1925 as amended by Chapter 153 of the General and Special Laws of the Regular Session of the Forty-first Legislature is hereby amended so as to read as follows:

Art. 6205. To Whom Granted.— Out of the fund to be created under the provisions of Article 6204 as amended, there shall be paid an annual pension in the amounts provided for in Article 6221, the same to be paid on the first day of each month of each year to every indigent and disabled Confederate soldier or sailor whose application has heretofore been approved and also those who came to Texas at least ten years prior to the approval hereafter of his applications for a pension, or who was born in Texas and has been a resident of such State for fifty years during his life time, and to their indigent widows whose applications have heretofore been approved and

also those who have been bona fide resident of this State for ten years prior to approval hereafter of their application, and who were married to such soldiers or sailors prior to January 1, 1912, and to indigent and disabled soldiers who under the Special Laws of the State of Texas during the war between the States served in organizations for the protection of the frontier against Indian raiders or Mexican marauders and to indigent and disabled soldiers of the Militia of the State of Texas who were in active service during the war between the States and to the indigent widows of such soldiers who married to such soldiers prior to January 1st, 1910, provided that the word "widow" as used in this article shall not apply to women born since the year 1873, and all soldiers and sailors and widows of soldiers and sailors eligible under the above conditions shall be entitled to be placed upon the pensions rolls and participate in the distribution of the pension fund of this State under any existing law or laws hereafter passed by the Legislature, and the fact of re-marriage since the death of the soldier or sailor shall not bar his surviving widow from receiving a pension hereunder if she be now a widow and in indigent circumstances; if she shall have been the wife of such soldier or sailor at the time of his death and left by him as his widow; and provided that in the event the funds available for paying pensions provided for by law shall prove insufficient to pay in full said pensions that there shall not be created thereby a deficiency outstanding as a valid claim against the State of Texas, and each pensioner shall receive, except as herein or in other law or laws otherwise provided for, his or her pro rata according to the amount of such fund collected for the year.

Sec. 2. Article 6221 of the Revised Civil Statutes of 1925 as amended by Chapter 5 of the General Laws of the Second Called Session of the Forty-first Legislature is hereby amended so as to read as follows:

Art. 6221. On the first day in September and on the first day of March of each year the Comptroller shall first allot to each married veteran who has lived continuously with

his wife since January 1, 1900, and who is now drawing a pension, or whose application may hereafter be approved, such wife being alive at the time of the taking effect of this law, the sum of Fifty (\$50.00) Dollars per month for each year for as long as they both may live and after the death of either party, then the said veteran or his widow still living shall only draw an amount equal to other veterans or their widows. To each veteran now unmarried or a widower or a widow who is drawing a pension, or whose application may be hereafter approved, shall be paid the sum of Twenty-five Dollars (\$25.00) per month for each year, and the remainder of said appropriation (after reimbursing the general revenue fund for any advancement theretofore made to the pension fund) shall be equally pro rated among all of said pensioners in indigent circumstances and whose claims to pensions have been established and filed; and the Comptroller shall issue his warrants for the amounts due said pensioners in the manner provided by law on the first day of each month. All such pensions shall begin on the first day of the month following which the application is approved. If the pension fund is insufficient to pay Fifty (\$50.00) Dollars per month and Twenty-five (\$25.00) Dollars per month, respectively, to each pensioner in the respective classes hereinbefore mentioned a sufficient amount shall be advanced by the State Treasurer out of the general revenue fund in the State Treasury for that purpose and placed in the pension fund and the amount so advanced shall be repaid out of the pension fund to the general revenue fund when there shall be a surplus enough to pay said Fifty Dollars and in the pension fund over and above Twenty-five Dollars per month to said classes of pensioners. There is hereby appropriated out of the general revenue fund the sum of Dollars for the purpose of said advancement.

Sec. 3. Article 6215 of the Revised Civil Statutes of 1925 as amended by Chapter 307 of the General and Special Laws of the Regular Session of the Forty-first Legislature is hereby amended so as to read as follows:

Art. 6215. Payments; Affidavit; Warrant.—The payment of such pension shall begin on the first day of March and September of each year, payable on the first of each month. The pensioner shall make affidavit, or, in case of old age, infirmities, or physical disabilities preventing him or her from appearing before some one authorized to administer oaths, make statement in writing as to his or her claim or rights, in the presence of two credible witnesses who are in no wise related to the applicant, stating the county of his or her residence, postoffice address, and that he or she is the identical person to whom a pension has been granted under this law, and that the conditions which existed at the time of making his or her application and on which the pension was originally granted, still exist, and the same shall be filed with the Comptroller who shall draw his warrant to the amount of such pension on the Treasurer, to be paid out of money in the Treasury appropriated to this purpose.

Sec. 4. Articles 6204, 6208 and 6226 of the Revised Civil Statutes of 1925 are hereby amended so as to read as follows:

Art. 6204.—Tax.—There shall be levied and collected in the same manner and at the same time that other taxes are levied and collected for the year 1925, and annually thereafter, an ad valorem tax of seven cents on the one hundred dollars valuation thereof on all property owned in the State on the first day of January of the year 1925, and of every year thereafter and on all property sent out of the State prior to the first day of January of any of said years, for the purpose of evading the payment of taxes thereon, and afterwards returned to the State, except so much thereof as may be exempted by the Constitution and the laws of this State or of the United States which valuation shall be made in the manner prescribed by law for the assessment, levy and collection of other State and County taxes, which said tax so levied and collected, shall be paid into the treasury of the State of Texas, in the same manner as other State taxes, and shall constitute a special fund for the payment of pen-

sions provided for in Article 6205 as amended, in the manner and under the rules and regulations prescribed herein and prescribed in existing law not repealed hereby and as may be hereafter prescribed by law. Which said fund is hereby expressly appropriated by the Legislature of the State of Texas for the purpose herein stated. This Act shall not affect or release the liability of any person for taxes, penalties, interest or costs accruing under prior laws or the right to collect or enforce collection thereof by suit or otherwise.

Art. 6208. Application Requirements.—Persons entitled to a pension under this title shall make application for same in writing and under oath to the county judge of his or her county. Such application shall state the name, age, residence of the applicant and occupation, if any, and every fact necessary to entitle the applicant to the pension. If the applicant is such a soldier or sailor as is prescribed herein, he shall state in his application the company and regiment in which he was enlisted, if he served in an organization for the protection of the frontier against Indian raids or Mexican marauders, he shall name and identify such organization; if he were an officer commissioned by the President of the Confederate States or by the Governor, or other proper authority of this State in the army, navy, militia or frontier organization, he shall state the date of his commission and his rank, therein; and if detailed directly under the provisions of the conscript law for duty in the armories or shops of the Confederate Government or for any other labor necessary for the maintenance of the army in the field, or if he served in the Confederate navy, he shall state the time of service in each case. Each applicant shall furnish the testimony of at least two credible witnesses who personally know that he enlisted in the service and performed the duties as claimed by him. If he cannot secure the testimony of two witnesses, he may furnish documents or other evidence of his services.

Art. 6226. Shall Strike From Roll.—When it shall come to the

knowledge of the Comptroller or any person connected with the handling of Confederate pensions that any person has been granted a pension through fraud or perjury or that any pensioner in making affidavits or reports as required by Art. 6215 has fraudulently represented their conditions then the said Comptroller shall strike the name of such person from the pension roll.

Sec. 5. Definition of Indigent and Disabled.—The widow of any Confederate soldier or sailor referred to in this Act shall be conclusively presumed to be in indigent circumstances, if their total month income from all sources shall not exceed fifty dollars per month providing however no widow shall be eligible to a pension under this Act, who has deeded or divided her estate or the estate left her by her husband among her children so as to make her financial condition meet the requirements of this definition.

All Confederate soldiers or sailors over the age of seventy shall be conclusively presumed to be disabled and subject to receive a pension as provided herein.

Sec. 6. Article 6214 of the Revised Civil Statutes of 1925 as amended by Chapter 95 of the General or Special Laws of the Fortieth Legislature, and Article 6216 of said Revised Civil Statutes are hereby repealed.

Sec. 7. If any part or provision of this Act should be held unconstitutional or invalid, for any reason, the remainder of the Act shall nevertheless be in force and effect. Provided further that if so much of this Act is held unconstitutional as to make the same unworkable, then indigent and disabled soldiers and sailors and their indigent widows shall be pensioned in accordance with Chapter 5 of the Second Called Session of the Forty-first Legislature and such is the expressed desire and intent of this the Fourth Call Session of the Forty-first Legislature.

Sec. 8. The fact that the amount of pensions provided for in the present laws is inadequate and this Act provides more adequately for the veterans and their widows and provides for a more equitable distribution of the pension fund, creates an

emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

Amend the caption to read as follows:

"An Act amending Article 6205, Revised Civil Statutes of 1925 as amended by Chapter 153 of the General and Special Laws of the Forty-first Legislature at its Regular Session, amending Article 6221, Revised Civil Statutes of 1925 as amended by Chapter 5 of the General Laws, Second Called Session of the Forty-first Legislature, and amending Articles 6215, Revised Civil Statutes of 1925, as amended by Chapter 307, General and Special Laws of the Regular Session, Forty-first Legislature; amending Article 6204 as amended and amending Articles 6208 and 6226, Revised Statutes, 1925; repealing Article 6214 as amended and Article 6216, Revised Statutes, 1925; providing more adequately for pensions provided for in said articles and to provide for a more equitable distribution of the pension fund; providing for temporary advancements out of the general revenue fund to the pension fund; making an appropriation for such advancement out of the general revenue fund; defining indigent and disabled; providing for things incident thereto and declaring an emergency."

POLLARD, Chairman.

By Love, Williamson. S. B. No. 3

A BILL

To Be Entitled

An Act amending Article 6205, Revised Civil Statutes of 1925 as amended by Chapter 153 of the General and Special Laws of the Forty-first Legislature at its Regular Session, amending Article 6221, Revised Civil Statutes of 1925 as amended by Chapter 5 of the General Laws, Second Called Session of the Forty-first Legislature, and amending Article 6215, Revised Civil Statutes of 1925, as amended by Chapter 307, General and Special Laws of the Regular

Session, Forty-first Legislature; amending Article 6204 as amended and amending Articles 6208 and 6226, Revised Statutes, 1925; repealing Article 6214 as amended and Article 6216, Revised Statutes, 1925; providing more adequately for pensions provided for in said articles and to provide for a more equitable distribution of the pension fund; providing for temporary advancements out of the general revenue fund to the pension fund; making an appropriation for such advancement out of the general revenue fund; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. Article 6205 of the Revised Civil Statutes of 1925 as amended by Chapter 153 of the General and Special Laws of the Forty-first Legislature is hereby amended so as to read as follows:

Art. 6205. To Whom Granted.— Out of the fund to be created under the provisions of Article 6204 as amended, there shall be paid an annual pension in the amounts provided for in Article 6221, the same to be paid quarterly on the last day of August, November, February and May of each year to every Confederate soldier or sailor whose application has heretofore been approved and also those who came to Texas at least ten years prior to the approval hereafter of his application for a pension, and to their widows whose applications have heretofore been approved and also those who have been bona fide residents of this State for ten years prior to approval hereafter of their application, and who were married to such soldiers or sailors prior to January 1, 1912, and to soldiers who under the Special Laws of the State of Texas during the war between the States served in organizations for the protection of the frontier against Indian raiders or Mexican marauders and to soldiers of the Militia of the State of Texas who were in active service during the war between the States and to the widows of such soldiers who married to such soldiers prior to January 1, 1910, provided that the word "widow" as used in this article shall not apply to women born since the year 1873, and all soldiers and sailors and widows of

soldiers and sailors eligible to be placed upon the pension rolls and participate in the distribution of the pension fund of this State under any existing law or laws hereafter passed by the Legislature, and the fact of remarriage since the death of the soldier or sailor shall not bar his surviving widow from receiving a pension hereunder if she be now a widow, if she shall have been the wife of such soldier or sailor at the time of his death and left by him as his widow; and provided that in the event the funds available for paying pensions provided for by law shall prove insufficient to pay in full said pensions there shall not be created thereby a deficiency outstanding as a valid claim against the State of Texas, and each pensioner shall receive, except as herein or in other law or laws otherwise provided for, his or her pro rata according to the amount of such fund collected for the year.

Sec. 2. Article 6221 of the Revised Civil Statutes of 1925 as amended by Chapter 5 of the General Laws of the Second Called Session of the Forty-first Legislature is hereby amended so as to read as follows:

Art. 6221. On the first day of September and on the first day of March of each year the Comptroller shall first allot to each married veteran who has lived continuously with his wife since January 1, 1900, and who is now drawing a pension, or whose application may be hereafter approved, such wife being alive at the time of the taking effect of this law, the sum of Fifty (\$50.00) Dollars per month for each year for so long as they both may live and after the death of either party, then the said veteran or his widow still living shall only draw an amount equal to other veterans or their widows. To each veteran now unmarried or a widower or a widow who is drawing a pension, or whose application may be hereafter approved, shall be paid the sum of Twenty-five (\$25.00) Dollars per month for each year, and the remainder of said appropriation (after reimbursing the general revenue fund for any advancement theretofore made to the pension fund) shall be equally prorated among all of said pensioners in indigent circumstances and whose claims to pensions have

been established and filed; and the Comptroller shall issue his warrants for the amounts due said pensioners in the manner provided by law at the end of each quarter. All such pensions shall begin on the first day of the quarter during which the application is approved. If the pension fund is insufficient to pay Fifty (\$50.00) Dollars per month and Twenty-five (\$25.00) Dollars per month, respectively, to each pensioner in the respective classes hereinbefore mentioned, a sufficient amount shall be advanced by the State Treasurer out of the general revenue fund in the State Treasury for that purpose and placed in the pension fund, and the amount so advanced shall be repaid out of the pension fund to the general revenue fund when there shall be a surplus in the pension fund over and above enough to pay said fifty dollars and twenty-five dollars per month to said classes of pensioners. There is hereby appropriated out of the general revenue fund the sum of _____ Dollars for the purpose of said advancement.

Sec. 3. Article 6215 of the Revised Civil Statutes of 1925 as amended by Chapter 307 of the General and Special Laws of the Regular Session of the Forty-first Legislature is hereby amended so as to read as follows:

Art. 6215. Payments; affidavit; warrant.—The payment of such pension shall begin on the first day of March and September of each year, payable at the end of each quarter and on and after the first of each quarter. The pensioner shall make affidavit, or, in case of old age, infirmities, or physical disabilities, preventing him or her from appearing before some one authorized to administer oaths, make statement in writing as to his or her claim or rights in the presence of two credible witnesses who are in no wise related to the applicant stating the county of his or her residence, post-office address, and that he or she is the identical person to whom a pension has been granted under this law, and that the conditions which existed at the time of making his or her application and on which the pension was originally granted, still exists, which affidavit shall be supported by the affidavit of some other

credible person to the same fact, and shall be filed with the Comptroller who shall draw his warrant to the amount of such pension on the Treasurer, to be paid out of money in the Treasury appropriated to this purpose.

Sec. 4. Articles 6204, 6208 and 6226 of the Revised Civil Statutes of 1925 are hereby amended so as to read as follows:

Article 6204. Tax.—There shall be levied and collected in the same manner and at the same time that other taxes are levied and collected for the year 1925, and annually thereafter, an ad valorem tax of seven cents on the one hundred dollars valuation thereof on all property owned in the State on the first day of January of the year 1925, and of every year thereafter and on all property sent out of the State prior to the first day of January of any of said years for the purpose of evading the payment of taxes thereon, and afterwards returned to the State, except so much thereof as may be exempted by the Constitution and laws of this State or of the United States which valuation shall be made in the manner prescribed by law for the assessment, levy and collection of other State and county taxes, which said tax so levied and collected, shall be paid into the treasury of the State of Texas, in the same manner as other State taxes, and shall constitute a special fund for the payment of pensions provided for in Article 6205 as amended in the manner and under the rules and regulations prescribed herein and prescribed in existing law not repealed hereby and as may be hereafter prescribed by law. Which said fund is hereby expressly appropriated by the Legislature of the State of Texas for the purpose herein stated. This Act shall not affect or release the liability of any person for taxes, penalties, interest or costs accruing under prior laws or the right to collect or enforce collection thereof by suit or otherwise.

Art. 6208. Application requirements.—Persons entitled to a pension under this title shall make application for same in writing and under oath to the county judge of his or her county. Such application shall state the name, age, residence

of the applicant, and occupation, if any, and every fact necessary to entitle the applicant to the pension. If the applicant is such a soldier or sailor as is prescribed herein, he shall state in his application the company and regiment in which he was enlisted; if he served in an organization for the protection of the frontier against Indian raids or Mexican marauders, he shall name and identify such organization; if he were an officer commissioned by the President of the Confederate States or by the Governor, or other proper authority of this State, in the army, navy, militia or frontier organization, he shall state the date of his commission and his rank therein; and if detailed directly under the provisions of the conscript law for duty in the armories or shops of the Confederate Government or for any other labor necessary for the maintenance of the army in the field, or if he served in the Confederate Navy, he shall state the time of service in each case. Each applicant shall furnish the testimony of at least two credible witnesses who personally know that he enlisted in the service and performed the duties as claimed by him. If he cannot secure the testimony of two witnesses, he may furnish documents or other evidence of his service.

Art. 6226. Shall strike from roll.—When it comes to the knowledge of the Comptroller that any person has been granted a pension through fraud or perjury, he shall strike the name of such person from the pension roll.

Sec. 5. Article 6214 of the Revised Civil Statutes of 1925 as amended by Chapter 95 of the General and Special Laws of the 40th Legislature, and Article 6216 of said Revised Civil Statutes, are hereby repealed.

Sec. 6. If any part or provision of this Act should be held unconstitutional or invalid, for any reason the remainder of the Act shall nevertheless be in force and effect.

Ses. 7. The fact that the amount of pensions provided for in the present laws is inadequate and this Act provides more adequately for the veterans and their widows and provides for a more equitable distribution of the pension fund, creates an emergency and an imperative public

necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

TWENTIETH DAY.

Senate Chamber,
Friday, February 14, 1930,
Austin, Texas.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem Edgar Witt.

The roll was called, no quorum being present.

On motion of Senator McFarlane, a call of the Senate for the purpose of obtaining and maintaining a quorum until adjournment was ordered.

The quorum was completed at 10:21, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Galner.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.

Absent—Excused.

Cousins.	Pollard.
Martin.	Woodul.
Parr.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Witt:

S. B. No. 105, A bill to be entitled "An Act providing a method how lands, forming part of an irrigation

district, water improvement district, water control and improvement district, or of any conservation or reclamation district either or both, or of any drainage or levee district, which now are or which may subsequently be incorporated, made part of and annexed to an incorporated city, may be taken out and excluded from such district or districts, so as to thereafter relieve said lands from any other taxes, charges or assessments in such district or districts, except their proportionate part of the bonded indebtedness existing against said district or districts at the time they are incorporated and made part of said incorporated city; and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation, and Drainage.

By Senator Parr:

S. B. No. 106, A bill to be entitled "An Act to amend Article 8225 of Chapter 9, Title 128, Revised Civil Statutes of 1925, so as to provide for the purchase by navigation districts from the State of Texas of any lands and flats belonging to said State covered or partly covered by the waters of the bays or other arms of the sea within said district, authorizing the Commissioner of the General Land Office to sell said lands at a price of One Dollar (\$1.00) per acre, providing application and the issuance of patents and the disposition of the proceeds of said sale, and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

Senators Excused.

By unanimous consent, Senator Patton was excused for the day on account of very important business.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 41, A bill to be entitled